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NOTICE OF ALLOWANCE AND FEE(S) DUE

26161 7590 01/28/2008

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

RODRIGUEZ, RUTH C.

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 01/28/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,133	02/24/2004	Christopher M. Gallant	05918-324001 / VGCP NO. 7	1633

TITLE OF INVENTION: SHEAR FASTENERS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	04/28/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

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Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	NO	\$1440	\$300	\$0	\$1740	04/28/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
RODRIGUEZ, RUTH C	3677	024-452000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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10/785,133	02/24/2004	Christopher M. Gallant	05918-324001 / VGCP NO. 7	1633
26161	7590	01/28/2008	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			RODRIGUEZ, RUTH C.	
			ART UNIT	PAPER NUMBER

3677
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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 251 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 251 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/785,133

Examiner

RUTH C. RODRIGUEZ

Applicant(s)

GALLANT ET AL.

Art Unit

3677

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed on 09 November 2007.
2. ☒ The allowed claim(s) is/are 38-50 and 69-74.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 4/10/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

For claim 38, Murasaki(US 2002/0023322 A1) teaches a seat bun (12) comprising a compliant material (12) and a fastener component (1). The compliant material has a surface (lower surface shown in Figs. 7 and 8) having a central region bounded on two opposite sides by elongated trenches (where the fastener components 1 are disposed). The fastener component disposed within each trench (Figs. 7 and 8). The fastener component comprises a sheet-form base (1) and an array of engageable elements (4) extending integrally from at least one side of the sheet-form base (Figs. 1-32). Each of the engageable elements has an engageable side (inner portion of hook member 4) and a non-engageable side (outer portion of hook member 4) coterminous at an upper edge of the element. The engageable sides of a majority of the elements are oriented in a common direction (Figs. 1-32). Each fastener component is arranged with a non-engageable side of its wedge-shaped elements directly out of the trench (Figs. 1-32). Murasaki fails to disclose that the engageable elements are wedge-shaped and that the upper edge of each engageable element defines a curve in top view and that the engageable side intersects an upper surface of the base and the non-engageable side extends from the base to upper edge of the element. However, Kaneko (US 5,212,853) teaches a fastener component (1) comprising a sheet-form base (10a,10b) and an array of wedge-shaped, engageable elements (3) extending integrally from at least one side of the sheet-form base. Each of the engageable elements has an

engageable side (3b) and a non-engageable side (4) conterminous at an upper edge of the element. The upper edge of each engageable element defines a curve in top view and the engageable sides of a majority of the elements are oriented in a common direction (Figs. 21-24). The engageable sides of a majority of the elements are oriented in a common direction (Figs. 1-32). Each fastener component is arranged with a non-engageable side of its wedge-shaped elements directly out of the trench (Figs. 1-32). Although it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the array of wedge shaped, engageable elements extending integrally from at least one side of the sheet-form base where the upper edge of each engageable element defines a curve in top view as taught by Kaneko in the seat bun disclosed by Murasaki since the wedge shaped, engageable elements are well known in the wedge-shaped fastener art as demonstrated by Kaneko, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to have the engageable side intersects an upper surface of the base and the non-engageable side extends from the base to the upper edge of the element when the fastener is disposed within elongated trenches of a seat bun since the engageable side intersects the stem of Kaneko instead of intersecting the upper surface of the base and the non-engageable side also extends from the stem and fails to extend from the base to the upper edge of the element as noted in Applicant's arguments, see page 6 of the response filed 09 November 2007.

Regarding claim 41, Murasaki discloses an engageable fastener component comprising a sheet-form base (1), an array of engageable elements (4) and hook-

shaped projections (7). The array of engageable elements extending integrally from at least one side of the sheet-form base. Each of the engageable elements has an engageable side and a non-engageable side (Figs. 1-32). The hook-shaped projections proximate the wedge-shaped engageable elements. Murasaki fails to disclose that the engageable elements are wedge-shaped and that the upper edge of each engageable element defines a curve in top view and that the engageable side intersects an upper surface of the base and the non-engageable side extends from the base to upper edge of the element. However, Kaneko teaches a fastener component (1) comprising a sheet-form base (10a,10b) and an array of wedge-shaped, engageable elements (3) extending integrally from at least one side of the sheet-form base. Each of the engageable elements has an engageable side (3b) and a non-engageable side (4) conterminous at an upper edge of the element. The upper edge of each engageable element defines a curve in top view and the engageable sides of a majority of the elements are oriented in a common direction (Figs. 21-24). The engageable sides of a majority of the elements are oriented in a common direction (Figs. 1-32). Each fastener component is arranged with a non-engageable side of its wedge-shaped elements directly out of the trench (Figs. 1-32). Although it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the array of wedge shaped, engageable elements extending integrally from at least one side of the sheet-form base where the upper edge of each engageable element defines a curve in top view as taught by Kaneko in the seat bun disclosed by Murasaki since the wedge shaped, engageable elements are well known in the wedge-shaped fastener art as

demonstrated by Kaneko, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to have the engageable side intersects an upper surface of the base and the non-engageable side extends from the base to the upper edge of the element in combination with hook-shaped projections proximate the wedge-shape elements since the engageable side intersects the stem of Kaneko instead of intersecting the upper surface of the base and the non-engageable side also extends from the stem and fails to extend from the base to the upper edge of the element as noted in Applicant's arguments, see page 6 of the response filed 09 November 2007.

For claim 46, Murasaki discloses an engageable fastener component comprising a sheet-form base (1), an array of engageable elements (4) and engageable loops (6,15,16). The array of engageable elements extending integrally from at least one side of the sheet-form base (Figs. 13-18, 21-23 and 25-28). Each of the engageable elements has an engageable side and a non-engageable side (Figs. 1-32). The engageable loops are proximate the engageable elements. Murasaki fails to disclose that the engageable elements are wedge-shaped and that the upper edge of each engageable element defines a curve in top view and that the engageable side intersects an upper surface of the base and the non-engageable side extends from the base to upper edge of the element. However, Kaneko teaches a fastener component (1) comprising a sheet-form base (10a,10b) and an array of wedge-shaped, engageable elements (3) extending integrally from at least one side of the sheet-form base. Each of the engageable elements has an engageable side (3b) and a non-engageable side (4)

conterminous at an upper edge of the element. The upper edge of each engageable element defines a curve in top view and the engageable sides of a majority of the elements are oriented in a common direction (Figs. 21-24). The engageable sides of a majority of the elements are oriented in a common direction (Figs. 1-32). Each fastener component is arranged with a non-engageable side of its wedge-shaped elements directly out of the trench (Figs. 1-32). Although it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the array of wedge shaped, engageable elements extending integrally from at least one side of the sheet-form base where the upper edge of each engageable element defines a curve in top view as taught by Kaneko in the seat bun disclosed by Murasaki since the wedge shaped, engageable elements are well known in the wedge-shaped fastener art as demonstrated by Kaneko, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to have the engageable side intersects an upper surface of the base and the non-engageable side extends from the base to the upper edge of the element in combination with engageable loops proximate the wedge-shape elements since the engageable side intersects the stem of Kaneko instead of intersecting the upper surface of the base and the non-engageable side also extends from the stem and fails to extend from the base to the upper edge of the element as noted in Applicant's arguments, see page 6 of the response filed 09 November 2007.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RUTH C. RODRIGUEZ whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45. Any

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inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
January 8, 2007

/Robert J. Sandy/
Primary Examiner, Art Unit 3677